

ATTACHMENT D

STATE OF MARYLAND DEPARTMENT OF BUDGET & MANAGEMENT MINORITY BUSINESS ENTERPRISE PARTICIPATION

PURPOSE

Contractor shall structure its procedures for the performance of the work required in this contract to attempt to achieve the minority business enterprise (MBE) goal stated in the Invitation for Bids or Request for Proposals. MBE performance must be in accordance with this Exhibit, as authorized by Code of Maryland Regulations (COMAR) 21.11.03. Contractor agrees to exercise all good faith efforts to carry out the requirements set forth in this Exhibit.

DEFINITIONS

As used in this Exhibit, the following words have the meanings indicated.

- ◆ “Certification” means a determination made by the Maryland Department of Transportation that a legal entity is a minority business enterprise.
- ◆ “MBE Liaison” is the employee designated to administer this Department’s MBE program.
- ◆ “Minority Business Enterprise” or “MBE” means any legal entity, other than a joint venture, organized to engage in commercial transactions, that is:
 - (1) at least 51 percent owned and controlled by one or more individuals who are socially and economically disadvantaged; and
 - (2) managed by, and the daily business operations of which are controlled by, one or more of the socially and economically disadvantaged individuals who own it.

Note: A minority business enterprise also includes a not-for-profit entity organized to promote the interests of physically or mentally disabled individuals.

An MBE **must be** certified in order to have its contract participation counted under the Department’s MBE program.

MBE GOALS AND SUB-GOALS

- ☐ An overall MBE subcontract participation goal of 20 percent (20%) of the total dollar amount paid to the contractor has been established for this procurement. This dollar amount includes:
 - ☐ A sub-goal of 0 percent of the total dollar amount paid to MBEs to be allocated to certified minority business enterprises classified as women-owned businesses.
 - ☐ A sub-goal of 0 percent of the total dollar amount paid to MBEs to be allocated to certified minority business enterprises classified as African American-owned businesses.

By submitting a response to this solicitation, the bidder or offeror agrees that these dollar amounts of the contract will be performed by certified minority business enterprises as specified.

- ◆ A prime contractor — including an MBE prime contractor — must accomplish an amount of work not less than the MBE subcontract goal with certified MBE subcontractors.
- ◆ A prime contractor comprising a joint venture that includes MBE partner(s) must accomplish the MBE subcontract goal with certified MBE subcontractors.

SOLICITATION AND CONTRACT FORMATION

- ◆ A bidder or offeror must include with its bid or offer a completed MBE Utilization and Fair Solicitation Affidavit (ATTACHMENT D-1) whereby the bidder or offeror acknowledges the certified MBE participation goal, commits to make a good faith effort to achieve the goal, and affirms that MBE subcontractors were treated fairly in the solicitation process. **If a bidder or offeror fails to submit this affidavit, the Department may deem the bid or offer non-responsive.**
- ◆ Within 10 working days from notification that it is the apparent awardee or from the date of the actual award, whichever is earlier, the apparent awardee must provide the following documentation to the MBE Liaison. **If the apparent awardee fails to return each completed document within the required time, the award is voidable.**
 - (1) Outreach Efforts Compliance (ATTACHMENT D-2)
 - (2) MBE Participation Schedule (ATTACHMENT D-3)
 - (3) Subcontractor Project Participation Statement (ATTACHMENT D-4)
 - (4) In the rare event that the apparent awardee believes a waiver is necessary of the overall MBE goal or of any sub-goal by MBE classification, it may submit a waiver request that complies with COMAR 21.11.03.11 in the place of the MBE Participation Schedule.
 - (5) Any other documentation required by the Department's MBE Liaison to ascertain bidder or offeror responsibility in connection with the certified MBE participation goal.

CONTRACT ADMINISTRATION REQUIREMENTS

Contractor shall:

1. Submit monthly to the Department a report listing all paid and unpaid invoices, including unpaid invoices over 30 days old, received from any certified MBE subcontractor. The contractor must provide the amount of each invoice and, if unpaid, the reason payment has not been made.
2. Include in its agreements with its certified MBE subcontractors a requirement that those subcontractors submit monthly to the Department a report that identifies the prime contract and lists all payments received from Contractor in the preceding 30 days, as well as any outstanding invoices, and the amount of those invoices.
3. Maintain such records as are necessary to confirm compliance with its MBE participation obligations. These records must indicate the identity of certified minority and non-minority subcontractors employed on the contract, the type of work performed by each, and the actual dollar value of work performed.
4. Consent to provide such documentation as reasonably requested and to provide right-of-entry at reasonable times for purposes of the State's representatives verifying compliance with the MBE participation obligations. Contractor must retain all records concerning MBE participation and make them available for State inspection for three years after final completion of the contract.
5. At the option of the procurement agency, upon completion of the contract and before final payment and/or release of retainage, submit a final report in affidavit form and under penalty of perjury, of all payments made to, or withheld from MBE subcontractors.

ADDITIONAL ATTACHMENTS TO
MINORITY BUSINESS ENTERPRISE PARTICIPATION FORMS

ATTACHMENT D-1 - *Certified MBE Utilization and Fair Solicitation Affidavit* (must be submitted with bid or offer)

ATTACHMENT D-2 - *Outreach Efforts Compliance* (must be submitted within 10 working days of notification of apparent award)

ATTACHMENT D-3 - *MBE Participation Schedule* (must be submitted with Attachment D-2)

ATTACHMENT D-4 - *Subcontractor Project Participation Statement* (must be submitted with Attachment D-2)

ATTACHMENT D-5 - Maryland Department of Budget and Management Minority Business Enterprise Participation – Prime Contractor Paid/Unpaid MBE Invoice Report

ATTACHMENT D-6 - Maryland Department of Budget and Management Minority Business Enterprise Participation – Subcontractor Payment Report

ATTACHMENT D-1

CERTIFIED MBE UTILIZATION
AND FAIR SOLICITATION

AFFIDAVIT

In conjunction with the bid or offer submitted in response to Solicitation No. F10R4200080, I affirm the following:

1. I acknowledge the overall certified Minority Business Enterprise (MBE) participation goal of 20 percent (20%) of the total paid dollar amount and, if specified in the solicitation, subgoals of 0 percent for MBEs classified as African American-owned and 0 percent for MBEs classified as women-owned. I commit to make a good faith effort to achieve this goal.
2. I understand that if I am notified that I am selected for contract award, I must submit the documentation described in the MBE Participation Exhibit within 10 working days of receiving notice of the potential award or from the date of actual award, whichever is earlier. If I fail to do so, I understand any apparent award will be deemed voidable.
3. In the solicitation of subcontract quotations or offers, MBE subcontractors were provided not less than the same information and amount of time to respond as were non-MBE subcontractors.
4. The solicitation process was conducted in such a manner so as to not place MBE subcontractors at a competitive disadvantage to non-MBE subcontractors.

I solemnly affirm under the penalties of perjury that the contents of this paper are true to the best of my knowledge, information, and belief.

Bidder/Offeror Name

Signature of Affiant

Address

Printed Name, Title

Date

SUBMIT THIS AFFIDAVIT WITH BID/PROPOSAL

ATTACHMENT D-2

OUTREACH EFFORTS COMPLIANCE

STATEMENT

In conjunction with the bid or offer submitted in response to Solicitation No. F10R4200080, I state the following:

1. Bidder/ Offeror identified opportunities to subcontract in these specific work categories:

2. Attached to this form are copies of written solicitations (with bidding instructions) used to solicit certified MBEs for these subcontract opportunities.

3. Bidder/Offeror made the following attempts to contact personally the solicited MBEs:

4. ☐ Bidder/Offeror assisted MBEs to fulfill or to seek waiver of bonding requirements. (DESCRIBE EFFORTS)

- ☐ This project does not involve bonding requirements.

5. ☐ Bidder/Offeror did/did not attend the pre-bid conference
☐ No pre-bid conference was held.

Bidder/Offeror Name

By:

Address

Name, Title

Date

ATTACHMENT D-3

MBE PARTICIPATION

SCHEDULE

Prime Contractor (Firm Name, Address, Phone)	Project Description
Project Number	Total Contract Amount \$
List Information For Each Certified MBE Subcontractor On This Project	
A. Minority Firm Name, Address, Phone MBE Classification: _____	
MBE Certification Number	
Work To Be Performed	
Project Commitment Date	Project Completion Date
Agreed Dollar Amount	Percentage Of Total Contract
B. Minority Firm Name, Address, Phone MBE Classification: _____	
MBE Certification Number	
Work To Be Performed	
Project Commitment Date	Project Completion Date
Agreed Dollar Amount	Percentage Of Total Contract
C. Minority Firm Name, Address, Phone MBE Classification: _____	
MBE Certification Number	
Work To Be Performed	
Project Commitment Date	Project Completion Date
Agreed Dollar Amount	Percentage Of Total Contract
D. Minority Firm Name, Address, Phone MBE Classification: _____	
MBE Certification Number	
Work To Be Performed	
Project Commitment Date	Project Completion Date
Agreed Dollar Amount	Percentage Of Total Contract

MBE Firms Total Dollar Amount Overall \$ _____
MBE Firms Total Percentage Overall _____ %
African American MBE Dollar Amount \$ _____
African American MBE Percentage _____ %
Women MBE Dollar Amount \$ _____
Women MBE Percentage _____ %

List Additional MBE Subcontractors Or Provide
Any Additional Comments on Separate Paper.

Document Prepared By: (please print or type)

Name: _____ Title: _____

ATTACHMENT D-4

SUBCONTRACTOR PROJECT PARTICIPATION

STATEMENT

SUBMIT ONE FORM FOR EACH CERTIFIED MBE LISTED IN THE MBE PARTICIPATION SCHEDULE

Provided that _____ is awarded the State contract in
(Prime Contractor Name)

conjunction with Solicitation No. F10R4200080, it and _____,
(Subcontractor Name)

MDOT Certification No. _____, intend to enter into a contract by which Subcontractor shall:

Work description: _____

- ☐ No bonds are required of Subcontractor
- ☐ The following amount and type of bonds are required of Subcontractor:

Prime Contractor Signature

By: _____
Name, Title

Date

Subcontractor Signature

By: _____
Name, Title

Date

ATTACHMENT D-5
Maryland Department of Budget and Management
MINORITY BUSINESS ENTERPRISE PARTICIPATION
Prime Contractor Paid/Unpaid MBE Invoice Report

Prime Contractor:		Contact Person:	
Address:			
City:		State:	ZIP:
Phone:	FAX:		
Subcontractor Name:		Contact Person:	
Phone:	FAX:		
Subcontractor Services Provided:			
List all payments made to MBE subcontractor named above during this reporting period. 1. 2. 3. 4. Total Dollars Paid: \$ _____		List dates/amounts of any unpaid invoices received from subcontractor during this reporting period. 1. 2. 3. 4. Total Dollars Unpaid: \$ _____	

Department of Budget and Management Central Collections Unit 300 W. Preston Street, Room 503 Baltimore, MD 21201 ATTN: Mr. Henry Raymond	MBE Liaison Officer Department of Budget and Management Procurement Unit, Room 109 45 Calvert Street Annapolis, MD 21401
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Signature: _____ Date: _____

This form is to be
completed monthly
by the MBE
contractor.

ATTACHMENT D-6
Maryland Department of Budget and Management
Minority Business Enterprise Participation
Subcontractor Paid/Unpaid MBE Invoice Report

<p>Report #: _____ 1 _____</p> <p>Month/Year: _____ 5/04 _____</p> <p style="text-align: center;">Report Due By the 15th of the following Month.</p>	<p>Contract # _____</p> <p>Contracting Unit _____ DBM/CCU _____</p> <p>Contract Amount _____</p> <p>MBE Sub Contract Amt. _____</p> <p>Contract Begin Date _____ 5/1/04 _____</p> <p>Contract End Date _____ 4/30/06 _____</p> <p>Services Provided _____ Statewide Debt Collection Services</p>
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MBE Subcontractor Name:				
MDOT Certification #				
Contact Person				
Address:				
City	State:	ZIP:		
Phone:	FAX:			
Subcontractor Services Provided:				
<p>List all payments received from Prime Contractor in the preceding 30 days.</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>Total Dollars Paid: \$ _____</p>	<p>List dates and amounts of any outstanding invoices.</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>Total Dollars Unpaid: \$ _____</p>			
<table style="width: 100%;"><tr><td style="width: 50%;">Prime Contractor Name:</td><td style="width: 50%;">Contact Person:</td></tr></table>			Prime Contractor Name:	Contact Person:
Prime Contractor Name:	Contact Person:			

Return one (1) copy of this form to each of the following addresses:

<p>Department of Budget and Management Central Collections Unit 301 W. Preston Street, Room 509 Baltimore, MD 21201 ATTN: Henry Raymond</p>	<p>MBE Liaison Officer Department of Budget and Management Procurement Unit, Room 109 45 Calvert Street Annapolis, MD 21401</p>
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Signature: _____ Date: _____